



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

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Salem, OR 97301-2540

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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

12/23/2013

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Newberg Plan Amendment
DLCD File Number 003-13

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Monday, January 06, 2014

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Jessica Nunley, City of Newberg
Gordon Howard, DLCD Urban Planning Specialist
Angela Lazarean, DLCD Regional Representative
Gary Fish, DLCD Transportation Planner

<paa> YA



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE
File No.: 003-13 (19964)
[17712]
Received: 12/16/2013

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Newberg

Local file no.: **CPTA4-13-001**

Date of adoption: 12/2/13 Date sent: 12/10/2013

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

- Yes: Date (use the date of last revision if a revised Form 1 was submitted): 8/8/13
- No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No
If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Jessica Nunley Pelz

Phone: 503-554-7744 E-mail: jessica.pelz@newbergoregon.gov

Street address: 414 E First Street City: Newberg Zip: 97132-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

There was a text amendment to Section 6.2.2(6) and a revision to Figure 6-1 of the Transportation System Plan. Findings were made applicable comprehensive plan goals/policies and statewide planning goals 1, 2, 5, 6, 8, 9, 10, 12, 13.

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- Change from to . acres. A goal exception was required for this change.
- Change from to . acres. A goal exception was required for this change.
- Change from to . acres. A goal exception was required for this change.
- Change from to . acres. A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): .

- The subject property is entirely within an urban growth boundary
- The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

There was a text amendment to Section 6.2.2(6) and a revision to Figure 6-1 of the Transportation System Plan.

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from	to	. Acres:
Change from	to	. Acres:
Change from	to	. Acres:
Change from	to	. Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: . Acres added: . Acres removed:

Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: ODOT, Yamhill County

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

NOTICE OF ADOPTED CHANGE – SUBMITTAL INSTRUCTIONS

1. A Notice of Adopted Change must be received by DLCD no later than 20 days after the ordinance(s) implementing the change has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) as provided in [ORS 197.615](#) and [OAR 660-018-0040](#).

2. A Notice of Adopted Change must be submitted by a local government (city, county, or metropolitan service district). DLCD will not accept a Notice of Adopted Change submitted by an individual or private firm or organization.

3. **Hard-copy submittal:** When submitting a Notice of Adopted Change on paper, via the US Postal Service or hand-delivery, print a completed copy of this Form 2 on light green paper if available. Submit **one copy** of the proposed change, including this form and other required materials to:

Attention: Plan Amendment Specialist
Dept. of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

This form is available here:

<http://www.oregon.gov/LCD/forms.shtml>

4. **Electronic submittals** of up to 20MB may be sent via e-mail. Address e-mails to plan.amendments@state.or.us with the subject line “Notice of Adopted Amendment.”

Submittals may also be uploaded to DLCD’s FTP site at http://www.oregon.gov/LCD/Pages/papa_submittal.aspx.

E-mails with attachments that exceed 20MB will not be received, and therefore FTP must be used for these electronic submittals. **The FTP site must be used for all .zip files** regardless of size. The maximum file size for uploading via FTP is 150MB.

Include this Form 2 as the first pages of a combined file or as a separate file.

5. **File format:** When submitting a Notice of Adopted Change via e-mail or FTP, or on a digital disc, attach all materials in one of the following formats: Adobe .pdf (preferred); Microsoft Office (for example, Word .doc or docx or Excel .xls or xlsx); or ESRI .mxd, .gdb, or .mpk. For other file formats, please contact the plan amendment specialist at 503-934-0017 or plan.amendments@state.or.us.

6. **Content:** An administrative rule lists required content of a submittal of an adopted change ([OAR 660-018-0040\(3\)](#)). By completing this form and including the materials listed in the checklist below, the notice will include the required contents.

Where the amendments or new land use regulations, including supplementary materials, exceed 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

7. Remember to notify persons who participated in the local proceedings and requested notice of the final decision. ([ORS 197.615](#))

If you have any questions or would like assistance, please contact your DLCD regional representative or the DLCD Salem office at 503-934-0017 or e-mail plan.amendments@state.or.us.

Notice checklist. Include all that apply:

- Completed Form 2
- A copy of the final decision (including the signed ordinance(s)). This must include city *and* county decisions for UGB and urban reserve adoptions
- The findings and the text of the change to the comprehensive plan or land use regulation
- If a comprehensive plan map or zoning map is created or altered by the proposed change:
 - A map showing the area changed and applicable designations, and
 - Electronic files containing geospatial data showing the area changed, as specified in [OAR 660-018-0040\(5\)](#), if applicable
- Any supplemental information that may be useful to inform DLCD or members of the public of the effect of the actual change

**AN ORDINANCE AMENDING THE TRANSPORTATION SYSTEM PLAN TO
REFLECT THE PHASE I ALIGNMENT OF THE NEWBERG DUNDEE
BYPASS**

RECITALS:

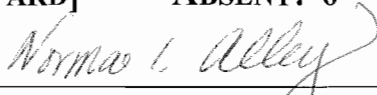
1. Oregon Department of Transportation submitted an application to amend Newberg's transportation system plan (TSP) to reflect the phase 1 alignment of the Newberg Dundee Bypass project (bypass).
2. The TSP includes the full bypass alignment, which will be an 11-mile, four-lane highway around the cities of Newberg and Dundee from Highway 99W northeast of Newberg to the Highway 18 interchange south of Dundee. However, the bypass will be a phased development due to funding constraints. Phase 1 of the bypass will include construction of one lane of the bypass in each direction between Highway 219 and Highway 99W south of Dundee, and will reestablish the intersection of Wilsonville Road and Highway 219. Phase 1 will add a traffic signal to the Wilsonville Road and Highway 219 intersection and remove the current connection between Wilsonville Road and Springbrook Road. The current north-south section of Wilsonville Road between the new Highway 219 intersection and Springbrook Road will end in a cul-de-sac at the southern end. The planning commission recommended renaming that section to McKern Court.
3. The Newberg planning commission adopted Resolution No. 2013-301 on September 12, 2013, recommending city council adopt the proposed TSP amendments as shown in Exhibit "A" and based on the findings in Exhibit "D". Exhibit "B" shows details of the new road configurations, and Exhibit "C" shows the full layout of the phase 1 bypass.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

1. The Newberg transportation system plan is hereby amended as shown in Exhibit "A", based on the findings in Exhibit "D", and as shown on the maps in Exhibits "B" and "C". Exhibits "A", "B", "C", and "D" are hereby attached and by this reference incorporated.
2. The remaining portion of Wilsonville Road between the new cul-de-sac and Springbrook Road will be renamed to McKern Court.

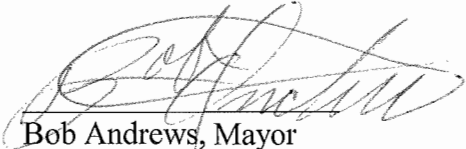
➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: January 2, 2014.

ADOPTED by the City Council of the City of Newberg, Oregon, this 2nd day of December, 2013, by the following votes: **AYE: 6 NAY: 1 [HOWARD] ABSENT: 0 ABSTAIN: 0**



Norma I. Alley, MMC, City Recorder

ATTEST by the Mayor this 5th day of December, 2013.


Bob Andrews, Mayor

TSP Text Amendment

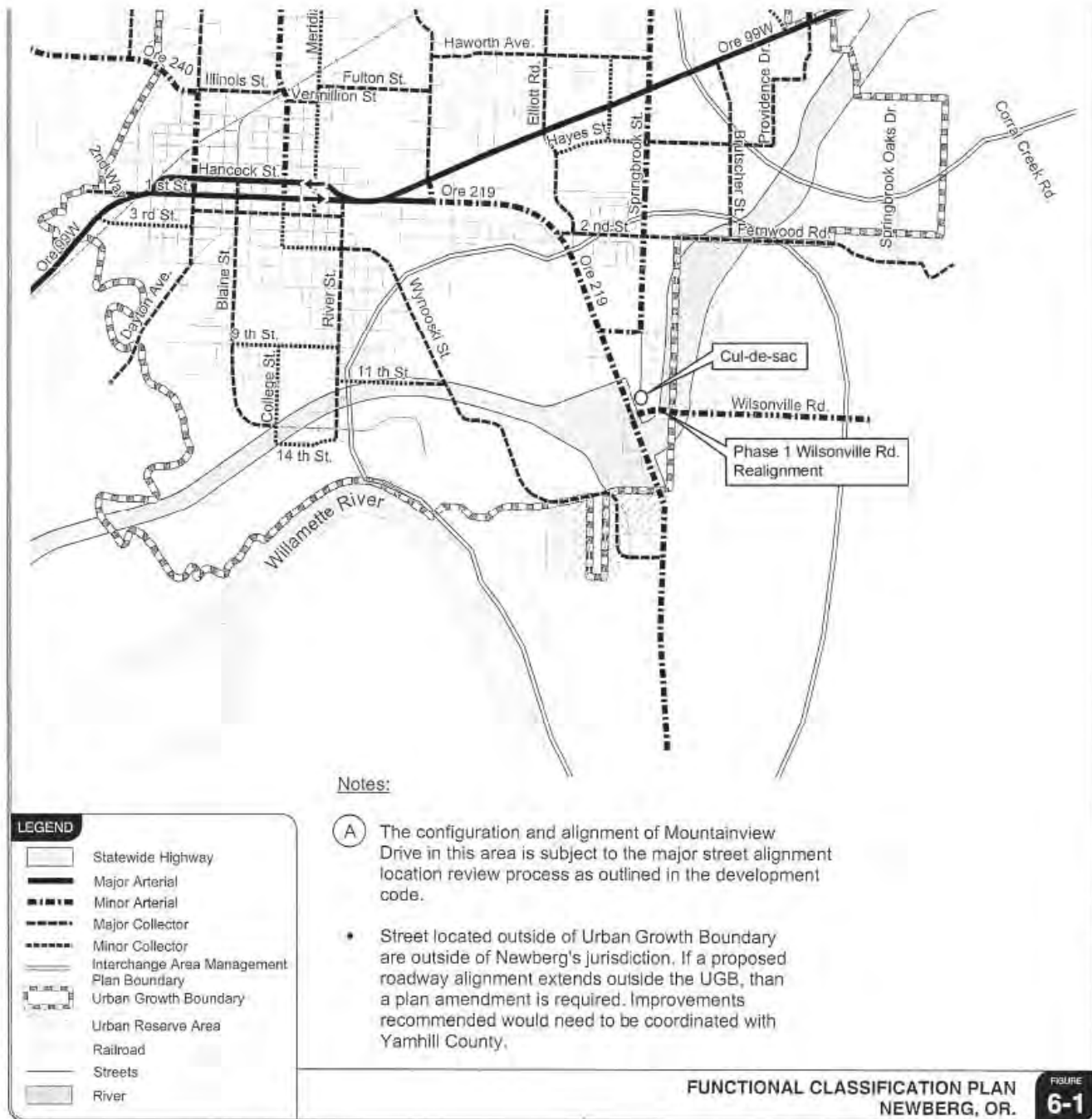
The following text amendment should be made to section 6.2.2(6) of the Newberg Transportation System Plan (2005). Deletions are shown as ~~strikethrough~~; additions are shown as double underline:

(From page 123 of 2005 TSP.)

6. *Wilsonville Road*: ~~Wilsonville Road is to be rerouted to the north to cross the Bypass (without an interchange) and to intersect with Springbrook Street. Wilsonville Road will then extend westward from its intersection with Springbrook Street to a new signalized intersection with Ore 219 at about 8th Street. The reroute and extension of Wilsonville Road will be constructed to minor arterial street standards. The purpose of this project is to provide adequate spacing of intersections on Ore 219 from the proposed interchange with the bypass. The cost of this project is estimated at about \$2.0 million, and will be funded by ODOT as a safety improvement project. The improvement will comply with spacing standards as defined in the NDTIP bypass project. Moreover, this project will be full considered and potentially modified under the context of the NDTIP Bypass/Ore 219 Interchange Area Management Plan. This project is included as a Safety Project in the Statewide Transportation Improvement Program, 2002-2005, Key#09274. See Appendix "N" for a conceptual plan of this project.~~ Wilsonville Road is to be extended to the west to connect to Oregon 219. A cul-de-sac will be placed on Wilsonville Road between the new extension to Oregon 219 and Springbrook Road. The rerouting and extension of Wilsonville Road will be constructed to minor arterial street standards. The purpose of this project is to provide access to Phase 1 of the Bypass at acceptable levels of service and improve safety. The improvement will comply with ODOT spacing standards for a District Highway. The future Phase 2 of the Bypass will disconnect the new intersection of Wilsonville Road and Oregon 219. During Phase 2 construction, Wilsonville Road will be rerouted further south to a new intersection with Oregon 219.

Revised Figure 6-1

Excerpt from Figure 6-1, Functional Classification Plan, Newberg TSP (2005)



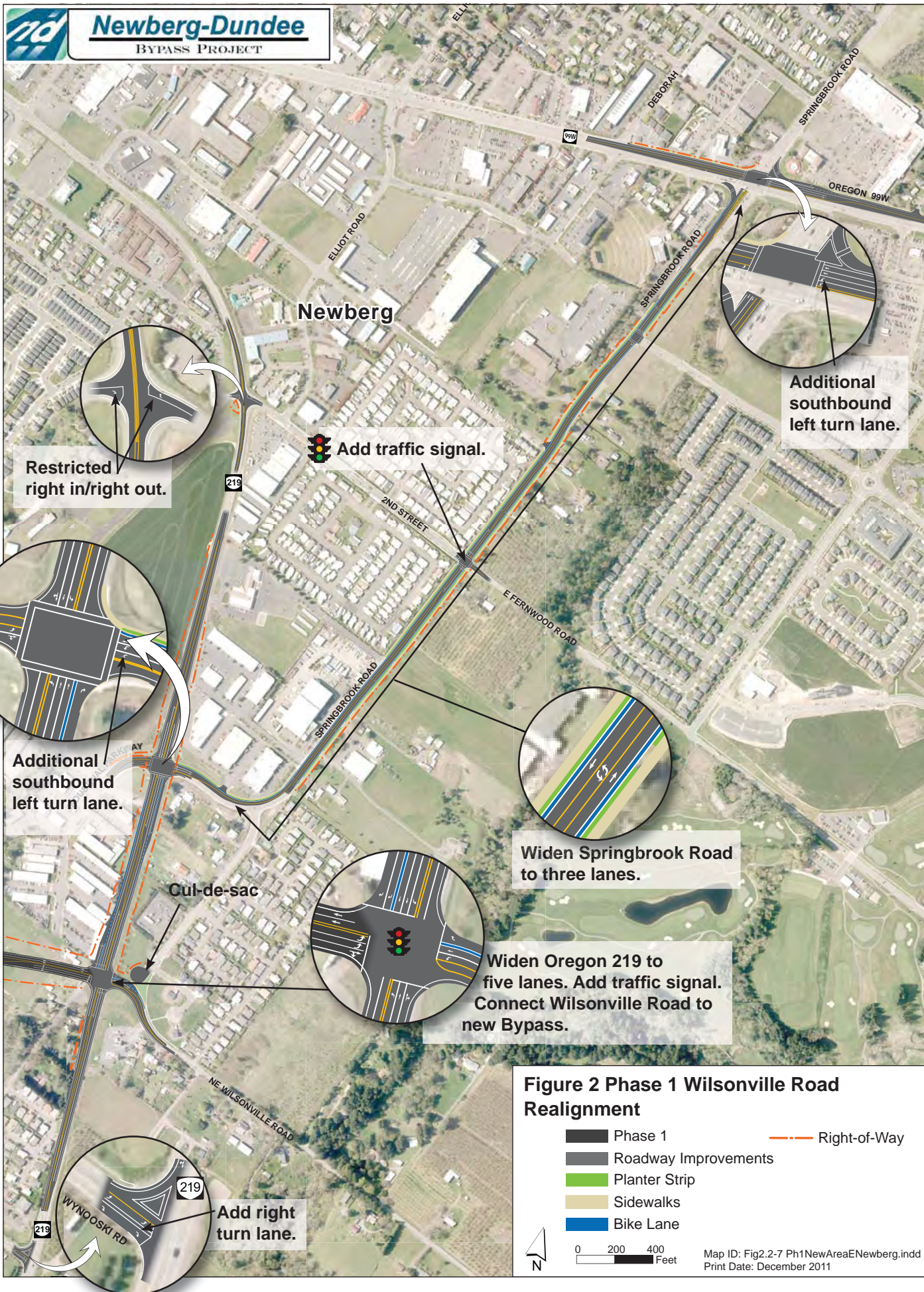






Figure 2 Phase 1 Wilsonville Road Realignment

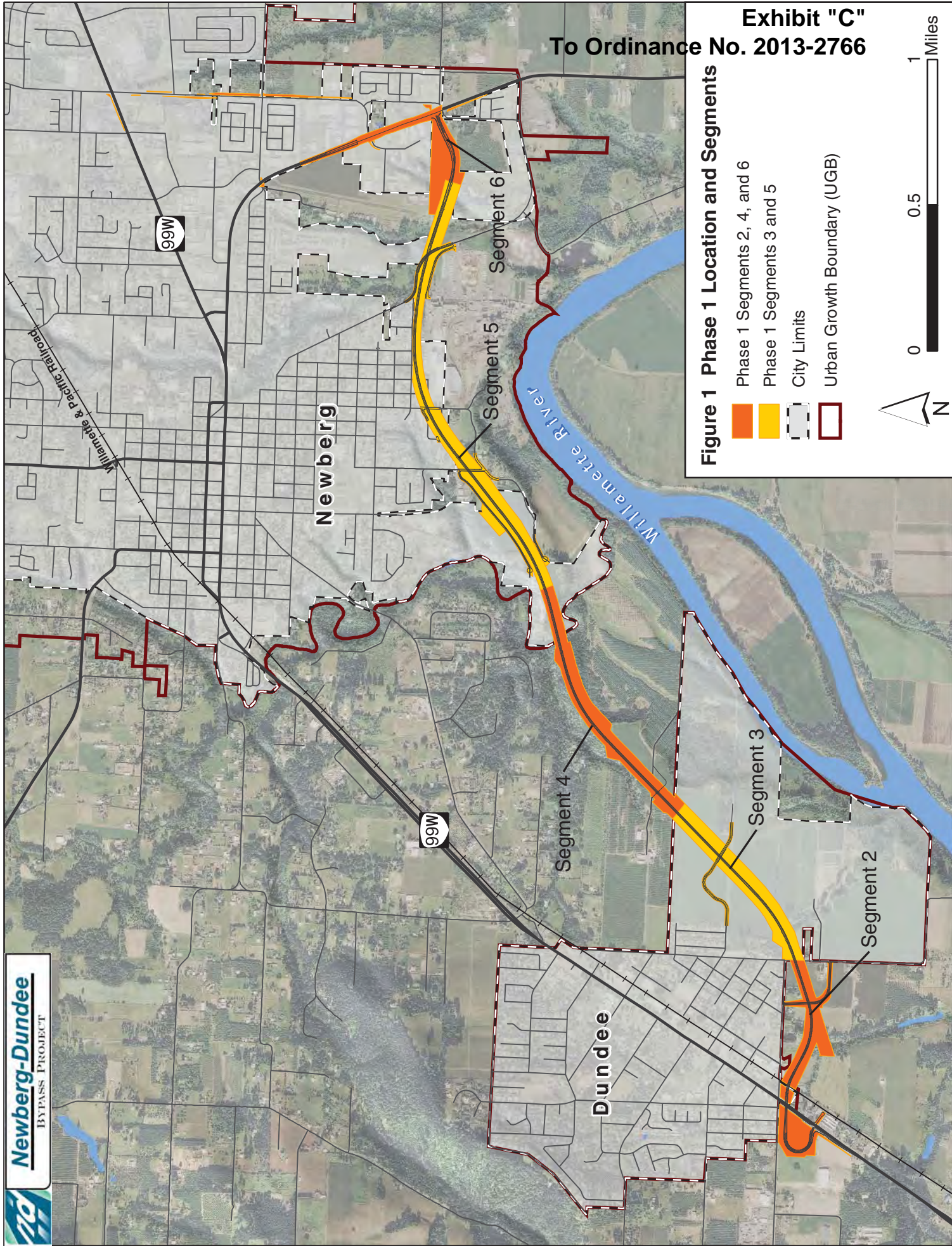
	Phase 1		Right-of-Way
	Roadway Improvements		
	Planter Strip		
	Sidewalks		
	Bike Lane		

0 200 400 Feet

Map ID: Fig2.2-7 Ph1NewAreaENewberg.indd
Print Date: December 2011

Figure 1 Phase 1 Location and Segments

-  Phase 1 Segments 2, 4, and 6
-  Phase 1 Segments 3 and 5
-  City Limits
-  Urban Growth Boundary (UGB)



Findings

Transportation System Plan (TSP) amendments must be consistent with the Newberg Comprehensive Plan and the applicable statewide planning goals.

Newberg Comprehensive Plan – applicable goals and policies

A. *Citizen Involvement*

GOAL: To maintain a Citizen Involvement Program that offers citizens the opportunity for involvement in all phases of the planning process.

Section A, Citizen Involvement, notes that the city will continue to implement an ongoing citizen involvement program that provides residents opportunity to be involved in all phases of the planning process. For the Wilsonville Road realignment, the city will provide public notice to affected property owners, opportunities for testimony at public hearings, and opportunities for appeal of local decisions.

B. *Land Use Planning*

GOAL: To maintain an ongoing land use planning program to implement statewide and local goals. The program shall be consistent with natural and cultural resources and needs.

The proposed TSP amendments are consistent with the land use planning goal because they will help implement Phase 1 of the Bypass which is an approved project in the Newberg TSP and Comprehensive Plan.

H. *The Economy*

GOAL: To develop a diverse and stable economic base.

Policy 1.o. The City shall collaborate with other public and private entities and project developers to construct and maintain the best surface transportation infrastructure possible (e.g. roads, airport, railroad).

The Phase 1 Bypass Project, including the Wilsonville Road realignment, will improve mobility and accessibility in general, and freight movement in particular, throughout the Newberg Dundee urban area, thus resulting in substantially reduced congestion and hours of delay when compared to a No Build Alternative. This supports the goal of developing a diverse and stable economic base.

K. *Transportation*

Policy 1.f. The City shall coordinate with Yamhill County and the State on the development of the Newberg Dundee Bypass.

The city is directly coordinating with ODOT and Yamhill County on the development of the Bypass. The TSP currently contains the full Bypass alignment, which will be an 11-mile, four-lane highway around the

cities of Newberg and Dundee from Highway 99W northeast of Newberg to the Highway 18 interchange south of Dundee. However, funding constraints preclude full construction of the Bypass at this time, and the Bypass will be a phased development. The proposed TSP amendments are necessary to implement Phase 1 of the Bypass.

M. Energy

GOAL: To conserve energy through efficient land use patterns and energy-related policies and ordinances.

The Bypass project, including Phase 1 and the Wilsonville Road realignment, is intended to improve statewide and regional mobility through the area and to make existing Highway 99W more accessible for local and regional traffic. The project will help relieve much of the substantial traffic congestion that currently exists along Highway 99W. Facilitating the smooth flow of traffic at acceptable levels of service also helps conserve fuel by avoiding the wasteful burning of fuel at intersections already above capacity or expected to exceed capacity during the planning period.

Oregon Statewide Planning Goals – applicable goals

Goal 1 (Citizen Involvement)

Goal 1 requires the opportunity for citizens to be involved in all phases of the planning process. Generally, Goal 1 is satisfied when a local government follows the public involvement procedures set out in its acknowledged comprehensive plan and land use regulations. The City of Newberg Comprehensive Plan requires the city maintain a Citizen Involvement Program that offers citizens the opportunity for involvement in all phases of the planning process. Compliance with these regulations results in compliance with Goal 1.

Goal 2 (Land Use Planning), Part I

Goal 2, Part I requires that actions related to land use be consistent with acknowledged comprehensive plans of cities and counties. It is specifically noted that the City of Newberg updated the Comprehensive Plan to include the Newberg Dundee Bypass.

Goal 2, Part I also requires coordination with affected governments and agencies, evaluation of alternatives, and an adequate factual base. In developing the Wilsonville Road realignment, ODOT engaged in coordination efforts with planners, officials, and other representatives of Newberg. The amendment also is consistent with the Phase 1 Bypass as authorized by the Oregon Legislature and approved by Yamhill County.

Goal 5 (Open Spaces, Scenic and Historic Areas, and Natural Resources)

Goal 5 requires local governments to adopt programs to protect natural resources and conserve scenic, historic, and open space resources for present and future generations as provided in the Oregon Department of Land Conservation and Development's Goal 5 administrative rule, OAR 660, Division 23. Under OAR 660-023-0250(3)(b), local governments are not required to apply Goal 5 in post-acknowledgment plan amendment proceedings unless the amendment affects a Goal 5 resource to allow new uses that could be conflicting uses with a particular significant Goal 5 resource site. The Wilsonville

Exhibit "D"
To Ordinance No. 2013-2766

Road realignment does not impact any resource sites inventoried and designated as significant under Goal 5. Therefore, Goal 5 does not apply.

Goal 6 (Air, Water and Land Resources Quality)

Goal 6 addresses the quality of air, water, and land resources. In the context of a comprehensive plan amendment, a local government complies with Goal 6 by explaining why it is reasonable to expect that the proposed uses authorized by the plan amendment will be able to satisfy applicable federal and state environmental standards, including air and water quality standards. Because the Wilsonville Road realignment is part of Phase 1, which provides the first step in implementing the Bypass project, and because the Bypass project is an approved project in the City of Newberg's acknowledged TSP and Comprehensive Plan, the Wilsonville Road realignment is consistent with the City's TSP and Comprehensive Plan findings of compliance with Goal 6.

By substantially relieving congestion in the region, the Bypass project will improve air quality. This 2013 amendment will help substantially relieve congestion in the region by facilitating implementation of Phase 1. Like the Bypass project in its entirety, the Wilsonville Road realignment will impact water resources by adding a small amount of impervious surface to the watershed area. Where areas are paved, water cannot penetrate the soils, so it rushes over the surface. This can increase erosion, increase the movement of fine sediments, and increase pollutant loads in watercourses. However, these impacts can adequately be mitigated through the use of effective land-based stormwater treatment systems that include measures to preserve and restore mature vegetation and maximize infiltration. The use of construction techniques that include temporary and permanent best management practices (BMPs) for erosion and sediment control and spill control and prevention also can achieve compliance with clean water standards. OHP 5A.1 directs ODOT to implement BMPs. These BMPs will apply to development of JTA Phase 1. Mitigation strategies have been identified and agreed to in the Newberg Dundee Tier 2 Final EIS.

Stormwater is also subject to statewide permits that are issued to ODOT. For construction activities, ODOT will comply with the terms and conditions of its statewide National Pollution Discharge Elimination System (NPDES) permit: 1200-CA. ODOT will also comply with the terms and conditions of its statewide MS4 permit for ongoing maintenance and operation of the highway. To comply with the terms of the permits, ODOT follows BMPs set out in the *Routine Road Maintenance Water Quality and Habitat Guide*, or Blue Book, which details the standard maintenance activities and describes how to perform them in the most environmentally sensitive way. The Blue Book, first published in 1999, is the basis for Endangered Species Act compliance with the National Marine Fisheries Service under the Clean Water Act's 4(d) exemption for maintenance activities. Goal 6 is met.

Goal 8 (Recreational Needs)

Goal 8 provides for local governments to meet the recreational needs of the citizens of Oregon. The Bypass project, including the Wilsonville Road realignment, will further Goal 8's objectives by improving access to recreational destination areas such as the Oregon coast, Yamhill County wineries, and the Spirit Mountain Casino. The proposed road realignment will not impact existing park or recreational lands.

Goal 9 (Economic Development)

Goal 9 requires local governments to adopt comprehensive plans and policies that "contribute to a stable and healthy economy in all regions of the state." The City of Newberg's Comprehensive Plan has been acknowledged to comply with Goal 9. The Bypass project, including the Wilsonville Road realignment to

Exhibit "D"
To Ordinance No. 2013-2766

implement Phase 1, will improve mobility and accessibility generally, and freight movement in particular, throughout the Newberg Dundee urban area, thus resulting in substantially reduced congestion and hours of delay when compared to a No Build Alternative.

Goal 10 (Housing)

Goal 10 applies inside urban growth boundaries. While the Wilsonville Road realignment is within land zoned as medium-density residential, there are no impacts to housing, because the road will be placed on land that was previously roadway. Wilsonville Road will be reconnected to Highway 219 in its previous location. Therefore, this action is consistent with Goal 10.

Goal 12 (Transportation)

Goal 12 requires local governments to "provide and encourage a safe, convenient, and economic transportation system." Goal 12 is implemented through the Transportation Planning Rule (TPR), OAR 660, Division 12. Because the Newberg Dundee Bypass Project is an approved project in the City of Newberg's acknowledged TSP, and the Wilsonville Road realignment is necessary to implement Phase 1 of the project, it is consistent with Goal 12 and with the TPR planning and coordination requirements. The Wilsonville Road realignment will improve connectivity between the Bypass, Highway 219 and Wilsonville Road and avoid violating roadway performance standards on Springbrook Road by severing the connection between the two roads. The new intersection of Wilsonville Road and Highway 219 will operate within ODOT's performance standards.

Goal 13 (Energy Conservation)

Goal 13 directs cities and counties to manage and control land and uses developed on the land to maximize the conservation of all forms of energy, based on sound economic principles. The Bypass project, including JTA Phase 1 and the Wilsonville Road realignment, is intended to improve statewide and regional mobility through the area and to make existing Highway 99W more accessible for local and regional traffic. The project will help relieve much of the substantial traffic congestion that already exists along Highway 99W and that will only deteriorate further in its absence. Providing safe and convenient travel through an area and facilitating the efficient movement of people, goods, and services in that area serves the growth needs and objectives of the region and the state, and follows sound economic principles. Facilitating the smooth flow of traffic at acceptable levels of service also helps conserve fuel by avoiding the wasteful burning of fuel at intersections already above capacity or expected to exceed capacity during the planning period.